

NEBRASKA ADMINISTRATIVE CODE

TITLE 23 NEBRASKA ADMINISTRATIVE CODE, CHAPTER 9

NEBRASKA DEPARTMENT OF AGRICULTURE

POULTRY DISEASE CONTROL REGULATIONS

October, 2007 Amendment

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TITLE 23 - NEBRASKA DEPARTMENT OF AGRICULTURE

CHAPTER 9 - POULTRY DISEASE CONTROL REGULATIONS

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TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

Chapter 9 - POULTRY DISEASE CONTROL REGULATIONS

001 Statement of Purpose. The purpose of these regulations is to aid in carrying out the legislative intent and general purposes of the Nebraska Poultry Disease Control Act, the "Act", found at sections 2-3001 to 2-3008.

002 Administration and Definitions. (1) These regulations shall be administered by the Department of Agriculture's Bureau of Animal Industry, located on the fourth floor of the State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address of the Bureau is P.O. Box 94787, Lincoln, Nebraska 68509. The telephone number is (402)471-2351. (2) For purposes of the Nebraska Poultry Disease Control Regulations, unless the context otherwise requires, the definitions found herein, shall apply:

002.01 AUTHORIZED LABORATORY means a laboratory designated by an Official State Agency, subject to review by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, to perform either or both of the following: 1) blood testing and bacteriological examinations provided for in 9 C.F.R. Part 145 (2007); 2) diagnostic assays provided for in 9 C.F.R. Part 146 (2007).

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002.02 AVIAN INFLUENZA means an infection of poultry caused by an influenza A virus of H5 or H7 subtype as set forth in 9 C.F.R. Section 146.1 (2007).

002.03 DEPARTMENT means the Nebraska Department of Agriculture.

002.04 EXPOSED or EXPOSED POULTRY FLOCK means contact with birds, equipment, personnel, supplies, or any article infected with, or contaminated by, communicable poultry disease organisms.

002.05 INFECTED or INFECTED POULTRY FLOCK means a poultry flock in which an authorized laboratory has discovered one or more birds infected with a communicable poultry disease.

002.06 NATIONAL POULTRY IMPROVEMENT PLAN AND AUXILIARY PROVISIONS means the rules and regulations officially promulgated by the United States Department of Agriculture, under 9 C.F.R. Part 145 (2007), known as the National Poultry Improvement Plan for Breeding Poultry; Part 146 (2007), known as the National Poultry Improvement Plan for Commercial Poultry, and Part 147 (2007), known as the Auxiliary Provisions On National Poultry Improvement Plan.

002.07 POSITIVE or CONFIRMED POSITIVE means a poultry flock which has been confirmed positive for a communicable poultry disease by an authorized laboratory.

002.08 SUSPECT or SUSPECT POULTRY FLOCK means a poultry flock in which evidence exists to suggest that it has been exposed to a communicable poultry disease.

002.09 VETERINARY BIOLOGICAL DIAGNOSTIC PRODUCT means a United States Department of Agriculture licensed diagnostic test product or other diagnostic test kits or products approved for use by the Nebraska State Veterinarian, which can be utilized by veterinarians or other authorized persons for use in non-laboratory settings.

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003 Official Disease Control Program.

003.01 The National Poultry Improvement Plan and Auxiliary Provisions is hereby adopted insofar as they do not conflict with the Act or these regulations. A copy of the National Poultry Improvement Plan and Auxiliary Provisions (April, 2007) which contains 9 C.F.R. Parts 145, 146 and 147, is attached to these regulations and incorporated herein by reference (See Appendix A).

003.02 All poultry and hatching eggs imported into the State of Nebraska, except for poultry going direct to slaughter, shall meet the requirements of the importation regulations of the department found in 23 NAC 2 and these regulations.

004 Disease Diagnosis and Quarantine.

004.01 Disease diagnosis requirements shall be those prescribed in the National Poultry Improvement Plan and Auxiliary Provisions. The diagnosis requirements for other poultry diseases shall be approved by the department.

004.02 A poultry flock shall be presumed infected with pullorum disease (*S. pullorum*) or fowl typhoid (*S. gallinarum*) if: (1) any diagnostic sample from such poultry flock is classified suspect or confirmed positive; or (2) a veterinary biological diagnostic product reveals a reactor from a diagnostic sample, and such sample is not submitted to an authorized laboratory within ten (10) days following the date of reading. Such flock shall be quarantined until the provisions for release of quarantine have all been met.

004.03 Any suspect or exposed avian influenza (H5/H7 subtypes) poultry flock shall be presumed infected and placed under quarantine until all required tests have been completed. Such suspect or exposed flock shall remain under quarantine until the provisions for release of quarantine have all been met. The official determination of a flock as positive for avian influenza (H5/H7 subtypes) shall be made by the National Veterinary Services Laboratory.

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004.04 Flocks infected with pullorum disease (*S. pullorum*), fowl typhoid (*S. gallinarum*), or avian influenza (H5/H7 subtypes), shall be quarantined by the department until the flock is on a department approved flock cleanup plan and the provisions for release of quarantine have all been met.

004.05 All or part of a quarantined flock shall be moved to slaughter only upon written permission by the department.

005 Disease Monitoring.

005.01 The department may implement testing procedures to monitor poultry diseases in breeding and commercial poultry flocks. Such procedures may include, but shall not be limited to, testing of poultry at slaughter establishments, poultry sales, exhibitions, the Nebraska State Fair, county fairs, exotic animal auctions or swap meets, area testing, circle testing, randomly selected flock testing, post-quarantine testing, and epidemiologically traced flocks. If a flock owner refuses testing, the poultry flock shall be suspected of being infected and placed under quarantine.

005.02 Any person who suspects or has reason to believe that a poultry flock has been exposed to, or is infected with: (1) pullorum disease (*S. pullorum*), (2) fowl typhoid (*S. gallinarum*), or (3) avian influenza (H5/H7 subtypes) shall immediately report such suspicion to the Nebraska State Veterinarian.

005.03 Testing requirements to monitor the presence of avian influenza (H5/H7 subtypes) in breeding poultry flocks and commercial poultry flocks shall be consistent with the National Poultry Improvement Plan and Auxiliary Provisions.

005.04 The department may, provided funding is available, implement voluntary testing procedures to monitor noncommercial poultry for the presence of pullorum disease (*S. pullorum*) or fowl typhoid (*S. gallinarum*), avian influenza, and any other dangerous, infectious, contagious, or otherwise transmissible disease of poultry, and such procedures may include, but shall not be limited to, testing

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of noncommercial poultry flocks at poultry sales, exhibitions, exotic animal auctions or swap meets, the Nebraska State Fair, county fairs, and backyard flocks.

006 Exhibition. The department may conduct testing for pullorum and typhoid at exhibitions, except:

006.01 Poultry from flocks participating in the National Poultry Improvement Plan and Auxiliary Provisions which come directly from U.S. Pullorum and Typhoid Clean flocks of origin to the exhibition site, and are accompanied by an official National Poultry Improvement Plan and Auxiliary Provisions flock number; or, have individual identification and are accompanied by official documentation that such poultry have tested negative for pullorum (*S. pullorum*) and typhoid (*S. gallinarum*) within 90 days of the exhibition are exempt from further pullorum disease and fowl typhoid testing.

007 Records. All records of purchases, sales, and identity of poultry and hatching eggs handled shall be maintained for a period of not less than three (3) years.

008 Publication Adopted. National Poultry Improvement Plan and Auxiliary Provisions, Title 9, Parts 145, 146, and 147, Code of Federal Regulations (C.F.R.) 2007. (See Appendix A.)

009 Annotation. Neb. Rev. Stat. §§2-3001 to 2-3008 and §§54-701 to 54-705, and 54-742.